



FREDERICK COUNTY PLANNING COMMISSION

October 13, 2010

TITLE: Karl Zimmerman Pool and Spa Store

FILE NUMBER: SP 05-22 (AP#'s 4114, 4116 & 8042)

REQUEST: **Site Plan Approval** (Requesting approval for building expansion areas; landscaping and parking modifications; APFO; and FRO approval)

PROJECT INFORMATION:

LOCATION: West side of MD 355, 1/10 mile north of Grove Road
ZONE: General Commercial
REGION: Frederick
WATER/SEWER: S-1,W-1 (connected)
COMP. PLAN/LAND USE: General Commercial

APPLICANT/REPRESENTATIVES: (as applicable)

APPLICANT: Karl Zimmerman
OWNER: same
ENGINEER: Harris, Smariga
ARCHITECT: Not Listed
ATTORNEY: Not Listed

STAFF: Stephen O'Philips, Principal Planner

RECOMMENDATION: Conditional Approval

Enclosures:

Exhibit #1: Aerial Photos (#1a & #1b)
Exhibit #2: Site Plan (Sheets 1-3 of 3)

STAFF REPORT

BACKGROUND:

Development and Parcel History: This parcel is a lot of record that was created in its current configuration in 1911. In 1970 a commercial (principal) structure was demolished on this parcel. However, it appears that there were several accessory structures remaining on the site, and that one or several of the accessory structures were either re-built or modified in 1991 to create the current pool and spa store, a single, enclosed structure which exists on the parcel today.

This existing building encroaches on the 8' side yard setback by about 2'. This work was performed without a Site Plan application. However, at that time, Site Plan applications were not required for additions of this magnitude, although it is unclear from the permit records how the building was allowed to encroach on the side yard setback. The approval of this Site Plan application will formally vest the current structure and use on the site.

The parcel meets the 100' width requirement at the front of the site, but the parcel quickly tapers below the required 100' width. Under a Board of Appeals (BOA) variance application in 2009, a determination was made by the Zoning Administrator that the minimum lot width did not need to be maintained throughout the parcel. The BOA took no exception to this finding. However, the BOA denied the Applicant's request to allow a building addition to also encroach on the 8' side yard setback.

This Site Plan Application: The Applicant now requests Site Plan approval to build a 2,176 sq. ft. addition to the existing structure on the site (to be constructed in conformance with the 8' side yard setback requirement). The proposed development area of this First Revised Site Plan is subject to the Landscaping, Lighting and Parking Text Amendment revisions that became effective January 29, 2010. The applicant is requesting modifications of these requirements

SITE USE, CIRCULATION, PARKING, & UTILITIES:

Land Use and Zoning Review: The parcel is .49 acres and is zoned General Commercial. The Zoning Ordinance Use Table (§. 1-19-5.310) lists *Contractors, fencing, pool and siding* as a principal permitted use with Site Plan approval. The Applicant currently has a 2,560 sq. ft. building and proposes to add a 2,176 sq. ft. addition and to also make landscape improvements.

Dimensional Requirements/ Bulk Standards: *The existing building meets front and rear setback requirements, but impinges on one 8' side yard setback by 2'. This structure is a non-conforming structure. However, the proposed addition meets the setback requirements for this zone. Additionally, the parcel and proposed building height meets the bulk and dimensional standards of § 1-19-6.100. DESIGN REQUIREMENTS FOR SPECIFIC DISTRICTS.*

Use Classification	Minimum Lot Area	Minimum Lot Area per Unit	Lot Width	Front Yard	Side Yard	Rear Yard	Height
Commercial use	12,000	-	100	25	8	25	60'

Access/Circulation and Road Frontage Improvements: The existing parcel has a single commercial entrance off of MD 355 that has no center concrete monumentation, which will allow both southbound right-turns and northbound left-turns into the site. The Applicant proposes no change to the entrance location; however, a parking island is being added next to the entry in order to better control interior traffic flow. The Applicant has demonstrated on Sheet 1 that the parking lot pavement design can reasonably accommodate the wide turning movements of the delivery trucks.

Parking Space and Design Requirements: Section 1-19-6.220 of the Zoning Ordinance requires that this land use provide a total of eight parking spaces. The Applicant has provided eight spaces, one being handicapped accessible, and in accordance with Maryland Accessibility Code requirements. The parking spaces meet the 9' x 18' dimensional requirements.

However, because of the limited space on the parcel, the location of the building and the need to accommodate large delivery trucks, a significantly wider parking aisle is needed to accommodate both vehicular parking and truck loading functions. The Applicant requests a modification from § 1-19-6.220 (B) (1) to allow a 38' drive aisle instead of the required 24'. This wider aisle width is needed for delivery truck maneuverability.

The Applicant also requests a waiver from the requirement to connect to the adjoining parking lot to the north. The property to the north has a security fence, for protection of retail display area, and the Applicant's site is already paved to the property line to the south, providing for a potential, future parking connection. If approved, this request needs to be added to the notes on Sheet 1.

Bicycle Parking: The Applicant is required to provide one bicycle rack based on the number of vehicular parking spaces. The Site Plan indicates that one rack has been located to the left of one of the front door entrances. The Applicant has also provided details showing construction elements.

Loading Area: There is a loading space requirement of one large loading space. The Applicant has demonstrated the ability for the parking area to accommodate truck turning movements.

Utilities: The parcel is classified as W-1/S-1, meaning that water and sewer service is connected.

ENVIRONMENTAL ANALYSIS:

Open/Green Space and Floodplain Issues: There are no open or green space requirements in the General Commercial zone. Also, there are no hydrological or buffer elements on this parcel.

Landscaping: This Site Plan application proposes to amend an existing, developed site. Therefore, the Staff has applied the landscaping requirements to the proposed development area of the Site, as defined by the site Plan application. The Applicant proposes landscape improvements with this Site Plan application in order to meet landscape requirements of the Zoning Ordinance that became effective January 29, 2010 by addressing the following subcategories:

- a) Provide for street tree planting requirements;
- b) Provide 20% canopy analysis of parking lot area with a mitigation proposal;
- c) Provide for no more than a 10-parking-bay-average with a mitigation proposal;
- d) Provide parking area screening;
- e) Demonstrate usage of native species; and
- f) Provide buffering and screening along common property lines.

- a) Provide for street tree planting requirements: Since the proposed development area of the Site, per the site Plan is in the rear of the parcel where the addition is located, it could be argued that this Site Plan application is not required to provide for street trees. However, the Applicant has elected to provide three street trees, which would meet the street tree requirement for this parcel width.
- b) Provide 20% canopy analysis of parking lot area: The Applicant has not been able to provide 20% canopy coverage for the two defined parking areas because the site is already developed with pavement and the tight configuration of the existing building footprint on the parcel limits flexibility. Additionally, there is a need for a wide pavement area to accommodate truck deliveries. The Applicant requests a modification of § 1-19-6.400 (D) (2) by mitigating this lack by proposing to plant native over-story trees and shrubs where there is room to plant north of the existing building. The amount of trees proposed would meet and very significantly exceed the canopy coverage requirements.
- c) Provide for no more than a 10-parking-bay-average by creating additional parking islands: The Applicant has created an average bay run of 4, which is less than the 10 maximum allowed. However, the Applicant has not been able to plant tree islands to provide required parking lot landscaping. The Applicant requests a modification of § 1-19-6.400 (D) (1) by mitigating this lack by proposing to plant native over-story trees and shrubs where there is room to plant north of the existing building. The amount of trees proposed would meet and very significantly exceed the parking lot landscaping requirements in terms of 20% canopy coverage.
- d) Provide parking area screening: Since the proposed development area of the Site, per the site Plan is in the rear of the parcel where the addition is located and the parking is existing, it could be argued that this Site Plan application is not required to provide for parking screening. However, the Applicant has elected to provide shrubs and ornamental trees to provide parking screening along MD 355.
- e) Demonstrate usage of native species: The Applicant has provided 65% native tree and shrub species. On this particular site, there is not enough soil-base to adequately provide for 100% native tree selections. Staff concurs that the species selected for this site are better adapted than native species.
- f) Provide buffering and screening along common property lines: The Applicant has provided a street tree planting scheme along all property lines where the building addition is located. A combination of evergreen trees and deciduous shrubs will provide screening.

In sum, the landscape planting scheme proposed by the Applicant meets the spirit and intent of the landscape requirements of the Zoning Ordinance and provides a fair and adequate response to the proposed development area of the site.

Storm-water Management (SWM) Design: This project was tested with regard to the requirements of the Maryland Storm-water Management Act of 2007 (SWM 2007), which became effective May 4, 2010. However, because the site disturbance is less than 5,000 sq. ft. an exemption is applied to this site development.

Forest Resource Ordinance (FRO): There are no priority systems on site. Therefore, the Applicant proposes (and is allowed) to meet FRO requirements by providing either a fee-in-lieu payment or banking credits.

MISCELLANEOUS DESIGN ISSUES:

Lighting: The Applicant has submitted a Lighting Plan showing the addition of building mounted lighting. The proposed lighting meets the height restrictions by being placed at only 13' and also meets the lateral and upward glare shielding requirements with the selection of lighting standards with appropriate shields.

The Applicant proposes two lighting schemes. The lighting for business hours (5:00 p.m. – 7:30 pm) is low and also meets foot-candle illumination limitations. The evening-hour security lighting is motion-sensored only. Overall, the lighting levels are very low.

There is an existing 20' Pole light. This light is an existing, non-conforming structure that is allowed to remain until it is changed because it is not a part of the affected area of this Site Plan.

Signage: The Applicant proposes no additional signage with this application, nor are they proposing any changes to existing signage. There is an existing free-standing sign that meets the size allotment and height limitation but not the location (setback requirement). This sign is an existing, non-conforming sign that is allowed to remain until it is changed. There is also an existing billboard on site.

Trash Dumpster and Recycling: Note # 10 on sheet 1 indicates that the Applicant proposes to remove trash to a remote location (another store) and separate the trash from recyclables.

Building Elevations and Height: There is no architectural review authority for structures in the GC zone. The Zoning Ordinance limits building heights in the GC zone to 60'. The Applicant indicates that the building addition will be limited to 28'

Outdoor Storage: There is an existing gate that is located in an extended line north of the front façade. The Applicant proposes to add fabric to the gate to provide a screen (which is documented on the Site Plan), and to utilize the area behind the gate for outdoor storage. Additionally, shrub plantings are provided along the property edges to screen the storage area. Section 1-19-7.510 (E) indicates that:

Storage may be permitted outdoors only when completely screened by a wall, opaque fence, or planting so that such materials will not be visible from a public way or adjoining property. The most appropriate screening for the use shall be determined at improvement plan review.

There is however, a correction that needs to be made in note #3: the note needs to be changed as follows: "Temporary product display is allowed."

ADEQUATE PUBLIC FACILITIES ORDINANCE (APFO):

In General: This project was reviewed for potential impacts on schools, water/sewer and roads. This project was determined to generate no impacts on schools, utilities or traffic.

- ❑ **Schools:** The non-residential nature of this project has no impact on schools.
- ❑ **Water and Sewer:** The Property is currently classified S-1, W-1, meaning facilities are connected to public sewer and public water. The Division of Utilities and Solid Waste Management (DUSWM) has approved the APFO test, indicating that the public water and sewer facilities appear adequate at this time for this development.
- ❑ **Traffic:** This site improvement falls under the APFO-Roads in effect prior to the July 2009 revisions and because it can be expected to generate an additional five AM and three PM weekday peak-hour trips (which is above the one peak-hour trip threshold), and is therefore subject to APFO testing.

1. The critical intersection for this project is MD 85/355 which is deemed adequate at LOS = C.
2. There are no impacts to area existing escrow accounts on MD 85 at I-270 ramps as the few trips distributed in that direction do not fall in the critical direction, resulting in no impact.
3. No Letter of Understanding (LOU) is required because no mitigation is required.

OTHER AGENCY COMMENTS:

Agency or Ordinance Requirement	Comment
Engineering Section, DPDR:	Approved.
Transportation Eng., DPDR	Approved.
Planning Section, DPDR:	Conditional Approval, subject to a correction being made in note #3 and modifications notes.
Life Safety, DPDR	Approved. Emergency Response Information: 1 st Responder: Westview 2 nd Responder: United
Health Department	Approved.
DUSWM:	Approved.
State Highway	Approved.

FINDINGS:

The Applicant is requesting approval of Site Plan (AP # 4114) for a building addition (2,176 sq. ft.) and landscaping and parking lot modifications. The Applicant is also requesting FRO and APFO approval, in addition to the following modifications/waiver requests:

- a) two landscape modifications;
- b) one parking lot connection waiver; and
- c) one parking dimension modification.

The Staff finds that:

- 1) Site Plan approval can be given for a three-year period from the date of FcPc approval.
- 2) A three-year APFO approval may be granted to this project. No LOU is required.
- 3) There are no hydrological components on this site. FRO forest requirements are being met with fee-in-lieu or banking credits.

- 4) With regard to parking:
 - a) The parking circulation pattern is remaining essentially the same, with adequate sight distance.
 - b) Handicapped requirements have been met.
 - c) Bicycle parking requirements have been met with the placement of one bicycle racks at the south end of the front entrance.
- 5) The two landscape modification requests, one parking lot connection waiver, and one parking dimension modification all have merit based on limitations caused by existing site conditions and site usage, and the fact that traffic safety is not impaired.
- 6) Based upon the discussion in the report, the Staff finds that the Revised Site Plan application meets and/or will meet all applicable Zoning, Subdivision, APFO and FRO requirements once all Staff and Agency comments and conditions are met or mitigated. With certain conditions of approval added, the Staff offers no objection to approval.

RECOMMENDATION:

Should the FcPc choose to approve this Site Plan application (AP # 4114), the FcPc should also cite the following additional approvals:

- Two landscape modifications [§ 1-19-6.400 (D) (1) and (2)];
- Parking Dimension modification [§ 1-19-6.220 (B) (1)];
- Waiver of requirement to connect to adjoining parking lot [§ 1-19-6.220 (F)];
- APFO approval (AP # 4116); and
- FRO approval (AP # 8042)

The Staff would recommend adding the following conditions to the approval:

Applicant shall:

- 1) Amend General Note #3 and modification notes on Sheet 1.
- 2) Comply with Agency comments as this project moves through the development process.

Exhibit #1 



Exhibit #1 *B*

